REMARKS/ARGUMENTS

The rejections presented in the final Office Action dated October 19, 2005 (hereinafter final Office Action) have been considered. Claims 1-10 and 18-20 remain pending in the application. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 1, 9, and 10 have been amended. Claim 8 has been canceled. No claims have been added. Applicant submits that claim 1, as amended, and original claim 18 are directed to the allowable subject matter indicated by the Examiner in the final Office Action.

By amending the pending claims 1, 9 and 10, Applicant is not acquiescing to the Examiner's rejections nor to the applicability of the asserted references to the pending subject matter. Rather, Applicant has elected to prosecute subject matter indicated as allowable by the Examiner for purposes of advancing prosecution. Applicant reiterates its previously made arguments and reasserts that the pending claims as originally presented are allowable over the prior art of record. Applicant reserves the right to prosecute claims of similar, different or broader scope than those subject to rejection in one or more continuing applications.

In presenting claims 18-20, Applicant intends to invoke 35 U.S.C. §112, paragraph 6. Having invoked 35 U.S.C. § 112, paragraph 6, claims 18-20 must be construed in a manner required by this statute. MPEP § 2181 and Federal Circuit case law make clear that:

> "The plain and unambiguous meaning of paragraph six is that one construing mean-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure, material, or acts described therein, and equivalents thereto, to the extent that the specification provides such disclosure. Paragraph six does not state or even suggest that the

PTO is exempt from this mandate, and there is no legislative history indicating that Congress intended that the PTO should be." *In re Donaldson*, 16. F.3d 1189, 1193 (Fed. Cir. 1994).

In a recent *en banc* opinion of the Court of Appeals for the Federal Circuit, the Court reiterated long-standing precedence that "claims are to be construed in the light of the specifications and both are to be read with a view to ascertaining the invention." *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*) (quoting *United States v. Adams*, 383 US 39, 49 (1996)). The Court further reiterated that the specification is appropriately resorted to "for the purpose of better understanding the meaning of the claims." *Id.* (quoting *White v. Dunbar*, 119 US 47, 51 (1886).

When claims 18-20 are properly construed under 35 U.S.C. § 112, paragraph 6, it is clear that *Buchbinder* does not teach each and every element of Applicant's claims 18-20.

It is believed that the pending claims are in condition for allowance, and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if prosecution of this application may be assisted thereby. Authorization is given to charge Deposit Account No. 50-3581 (GUID.027US01) any necessary fees for this filing.

Respectfully submitted,
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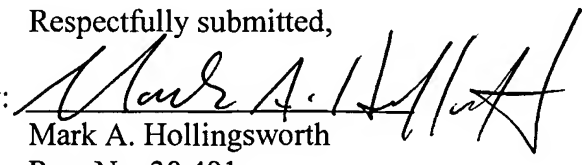
Respectfully submitted,

Date: June 26, 2006

By: 
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